

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUKNER BLANC,

Petitioner,

v.

B.M. TRATE,

Respondent.

Case No. 1:22-cv-01192-SAB-HC

ORDER DENYING PETITIONER'S
MOTION FOR COURT TO ORDER
RESPONDENT'S TO FILE RESPONSE

(ECF No. 13)

ORDER DIRECTING CLERK OF COURT
TO MAIL COPY OF RESPONSE (ECF No.
11) TO PETITIONER

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On October 19, 2022, the Court ordered Respondent to file a response to the petition within sixty days of the date of service of the order. (ECF No. 5.) On December 20, 2022, Respondent filed a motion for extension of time to file a response as Respondent had not received requested necessary documents from the Southern District of Florida. (ECF No. 9.) The Court granted the motion, extending the deadline to file a response to February 17, 2023. (ECF No. 10.)

On February 17, 2023, Respondent filed a response. (ECF No. 11.) Therein, Respondent observed that in the caption page of the petition, Petitioner requested that his petition be held in abeyance pending the Supreme Court's decision in Jones v. Hendrix, No. 21-857. (Id. at 1.)

Respondent joined Petitioner's motion to stay this matter until resolution of Jones v. Hendrix. (Id. at 2.) Accordingly, on February 22, 2023, the Court granted Petitioner's request to stay. (ECF No. 12.)

On March 8, 2023, the Court received the instant motion wherein Petitioner "moves the Court to ORDER Respondent to file a timely response" because "up to and including February 28, 2023, Respondent has not filed any response." (ECF No. 13.) However, as noted above, Respondent filed a response on February 17, 2023. (ECF No. 11.) Attached to the response is a certificate of service, which indicates that the response was mailed to Petitioner on February 17, 2023. (Id. at 3.) It appears that the mail may have been delayed or perhaps lost.

Based on the foregoing, IT IS HEREBY ORDERED that:

1. Petitioner's motion for court to order Respondent to file a response (ECF No. 13) is DENIED; and
2. The Clerk of Court is DIRECTED to mail Petitioner a copy of the response (ECF No. 11).

IT IS SO ORDERED.

Dated: March 9, 2023


UNITED STATES MAGISTRATE JUDGE